IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 12187 of 2005

Between:

1. Dr. Nanneboina Sanjeeva Rao, S/o. Late Hanumaiah, Hindu,
   Medical Practitioner Door No. 4-20-62, Near J.K.C. College, Guntur.
2. Dr. Kathari Vijaya Lakshmi, Wife of Dr. Nanneboina Sanjeeva Rao,
   Medical Practitioner Door No. 4-20-62, Near J.K.C. College, Guntur.
3. Kathari Munemma, Wife of Late Kathari Venkata Swamy,
   Household Woman, Door No. 4-20-62, Near J.K.C. College, Guntur.

... PETITIONERS

AND

1. The Government of Andhra Pradesh,
Represented by District Collector Collectorate Buildings, Guntur City.
2. The Revenue Divisional Officer,
Guntur Division, Collectorate Buildings, Guntur City.
3. The Mandal Revenue Officer, Guntur Rural Mandal, Guntur District.
4. The Andha Pradesh Wakf Board,
Represented by its Chief Executive Officer,
Opposite to Public Garments, Nampally, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ, order or Direction more particularly one in the form of Writ of Mandamus declaring that the action of the respondents in dispossessing i) the 1st petitioner from his 0-55 cents of land ii) the 2nd petitioner form her 0-55 cents of land iii) the 3rd petitioner from her Ac. 1-10-1/2 cents of land in D.No.721 situated at Nallapadu Village in Guntur District without through due process of law and demolishing house in the said land and compound wall constructed around the said land is illegal and arbitrary and in violation of Article 300A of the Constitution of India and consequently to put the petitioners in possession of their respective pieces of land free from obstruction from the respondents and direct the respondents to pay the petitioners a sum of Rs.5,00,000/- (Rupees File Lakhs) towards damages for the value of house and compound wall of the petitioners illegally demolished by the respondents.

Counsel for the Petitioners: MR. D. V. REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR. S.M. SUBHANI, SC FOR WAKF

The Court at the admission stage made the following:

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ORDER: -

This writ petition is filed seeking *mandamus* declaring the action of the respondents in dispossessing i) the 1st petitioner from his Ac.0-55 cents of land ii) the 2nd petitioner from her Ac.0-55 cents of land iii) the 3rd petitioner from her Ac.1-10 ½ cents of land in D.No.721 situated at Nallapadu Village in Guntur District without due process of law and demolishing the house in the said land and compound wall constructed around the said land as illegal and arbitrary and in violation of Article 300A of the Constitution of India and consequently to put the petitioners in possession of their respective pieces of land free from obstruction from the respondents and direct the respondents to pay the petitioners a sum of the respondents to pay the petitioners a sum of Rs.5,00,000/- (Rupees File Lakhs) towards damages for the value of house and compound wall of the petitioners illegally demolished by the respondents.

2. When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners that the issue involved in this writ petition is squarely covered by a judgment of this Court, rendered in W.P.No.8449 of 2005 dated 26-04-2005 wherein the learned single judge of this Court observed as under. -

> *"the dispute raised by the petitioner is triable by the Tribunal constituted under the Wakf Act, 1995, and it is open to the petitioner to workout the said remedy and it is also open to him to urge that he was dispossessed in violation of the provisions of the Act. Hence, the matter does not deserve to be entertained under Article 226 of the Constitution of India."*

3. Recording the said submission and following the aforementioned judgment, this writ petition is disposed of accordingly. No costs.

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ELIPE DHARMA RAO, J

Dt.24-06-2005

GLV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The District Collector,
Represented by Government of Andhra Pradesh,
Collectorate Buildings, Guntur City.
2. The Revenue Divisional Officer,
Guntur Division, Collectorate Buildings, Guntur City.
3. The Mandal Revenue Officer, Guntur Rural Mandal, Guntur District.
4. The Chief Executive Officer,
Andha Pradesh Wakf Board,
Opposite to Public Garments, Nampally,
Hyderabad.

5. Two C.D. Copies.

*Form-NIC-OGS/WP{**RLD**}*